

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF
THE IMPLEMENTATION
OF ELECTRONIC FILING
PROCEDURES

GENERAL PROCEDURE ORDER NUMBER 2001-8

WHEREAS the Federal Rules of Procedure (Civil Rule 5(e), Bankruptcy Rules 5005(a)(2), 7005, 8008, 9011 and 9029) provide that a court may establish practices and procedures for the filing, signing and verification of documents by electronic means; and

WHEREAS, recommendations regarding administrative policies and procedures for filing, signing and verifying documents by electronic means have been tendered to the court by various focus groups consisting of judges, attorneys, practitioners, court personnel, and experts in related subject matter areas; and

WHEREAS, proposed Administrative Procedures for Electronic Case Files (ECF Procedures) based upon those focus group recommendations have been reviewed by the court; and

WHEREAS, the ECF Procedures are consistent with and further the responsibility of the clerk for the control of the court's docket pursuant to Fed.R.Bankr.P 5003 and 5005, including safeguarding the integrity of the court's docket, pursuant to the provisions of the Case Management/Electronic Case Files (CM/ECF) system of the United States Courts; and

WHEREAS, the ECF Procedures provide a means for the signature on documents through a

secure mechanism for the creation and issuance of individual passwords; and

WHEREAS, the ECF Procedures provide adequate means for the filing, review and retrieval of documents by parties who are not able to access CM/ECF from a remote location; it is therefore

ORDERED that:

1. In addition to filing petitions, pleadings and other papers conventionally in paper format as prescribed in Local Bankruptcy Rule 904 and other rules, attorneys and other Electronic Filers authorized by the Court shall have the option to file documents in an electronic format. When the electronic filing option is elected consistent with this order and the Administrative Procedures attached hereto, the electronic files, consisting of the images of documents filed in cases or proceedings and documents filed by electronic means, shall constitute the official record of the court together with any other records kept by the clerk.
2. The ECF Procedures attached hereto as Exhibit A (Administrative Procedures for Electronic Case Files) are approved.
3. The use of an attorney's password to file a document electronically shall constitute the signature of that attorney for purposes of Fed.R.Bankr.P. 9011.
4. Each attorney, law firm or other person that obtains a password for electronic filing shall be responsible for its security and use. No attorney, law firm or other person shall knowingly permit or cause to permit an Electronic Filer's password to be utilized by anyone other than an authorized member, employee or agent of the Electronic Filer's law firm.
5. The request for and receipt of a CM/ECF password from the court shall constitute a request for electronic service pursuant to Fed.R.Bankr.P. 9036 of all notices, orders, decrees and judgments issued by the court, and except as otherwise provided in the ECF Procedures, a waiver of the right to receive notice and service from the court conventionally.
6. The electronic filing of a document in accordance with the ECF Procedures shall constitute entry of that document on the docket kept by the clerk pursuant to Fed.R.Bankr.P. 5003.
7. All orders, decrees, judgments and proceedings of the court shall, in accordance with the ECF Procedures, be entered on the docket kept pursuant to Fed.R.Bankr.P. 5003 and for the purposes of Fed.R.Bankr.P. 9021.
8. To the extent that this order or the ECF Procedures is inconsistent with the Local Bankruptcy Rules and Forms for the District of Colorado dated December 1, 1999, this order and the ECF Procedures shall have precedence.
9. This order or the ECF Procedures may be amended or superseded by amendments to the Local Bankruptcy Rules and Forms for the District of Colorado as the court deems necessary.

10. This order shall become effective on January 7, 2002, and shall apply to all cases and proceedings pending on or filed after that date.

Dated: _____, 2001.

BY THE COURT:

Marcia S. Krieger, Chief Judge

Sidney B. Brooks, Judge

Donald E. Cordova, Judge

A. Bruce Campbell, Judge

Elizabeth E. Brown, Judge

